

REMARKS

Claims 1-21 are pending and are rejected. Claims 9, 13 and 15 are amended. Claims 22-25 are added. The claims added and amended are supported in the specification as originally filed at least at page 4, lines 11-16; and page 9, line 1 to page 10, line 2. The amendments thus introduce no new matter.

Applicant respectfully requests reconsideration of the pending rejections for the following reasons, as discussed during a telephone interview between the Examiner and applicant's undersigned representative on November 7, 2002. Applicant appreciates the courtesy of this interview and the Examiner's acknowledgment that this Response will overcome the pending rejections.

As clarified during the interview, the internal limiting membrane, which each of applicant's claims recite, is a different anatomical structure than the subretinal space which the Peyman reference discloses. Thus the Peyman reference does not disclose applicant's invention. Further, the specification discloses the disadvantages of implanting into the subretinal space, at least at page 2, line 21 to page 3, line 11.

Applicant respectfully asserts that the rejections are now completely overcome.

IN THE CLAIMS

Claims 1, 3-5, 9, 10, 11, 15, 16, 17, 18 and 21 are rejected under 35 U.S.C. §102(b) as anticipated by Peyman. Applicant respectfully disagrees.

As clarified during the interview, Peyman does not anticipate applicant's invention. Applicant thus respectfully requests withdrawal of this rejection.

Claims 12, 19 and 20 are rejected under 35 U.S.C. §102(b) as anticipated by Majji. Applicant respectfully disagrees.

Claim 12 depends from claim 9. Claims 19 and 20 depend from claim 16. Thus, for the above reasons, applicant asserts that Majji does not anticipate applicant's invention and respectfully requests withdrawal of this rejection.

Claims 2, 7, 8 and 13 are rejected under 35 U.S.C. §102(e) as anticipated by Wen. Applicant respectfully disagrees.

Claims 2, 7 and 8 depend from claim 1. Claim 13 depends from claim 9. Thus, for the above reasons, applicant asserts that Wen does not anticipate applicant's invention and respectfully requests withdrawal of this rejection.

Attached hereto is a marked-up version of the changes made by the current amendment. The attached page is captioned **"Version with markings to show changes made"**.

CONCLUSION

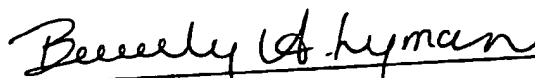
For the foregoing reasons, applicants' invention is believed to be patentable, and an early Notice of Allowance is respectfully requested.

Applicant authorizes the Examiner to charge Deposit Account No. 23-3000 for additional claim fees.

The Examiner is invited to telephone the undersigned attorney if there are any questions or issues.

Respectfully submitted,

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

Claims 22-25 are added.

The following claims are amended:

9.(AMENDED) A method for effecting treatment of a retina in a mammal comprising providing a therapeutic [or preventive] retinal stimulator and drug between an internal limiting membrane and the retina to contact the retina and stimulate visual perception [retinal cells] to effect treatment of vision.

13.(AMENDED) The method of claim [9] 22 wherein the substance is a vehicle containing a drug.

15.(AMENDED) The method of claim 9 wherein [the retinal cells] visual perception is stimulated by stimulating cells that are selected from the group consisting of photoreceptor cells, ganglion cells, neurofiber cells, and combinations thereof.